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REMARKS

This Request for Reconsideration is filed in response to the Office Action mailed **March 17, 2005** in which claims 1 - 28 were rejected.

Claims 1-3, 5, 7-11, 15-17, 19 and 21-25 are rejected under 35 U.S.C. §102(e) as being anticipated by Willenegger et al. (US 6,775,254).

First, a brief discussion of the present invention would be helpful. The main idea of the present invention is to modify the structure of a dedicated physical channel (DPCH) to make room for signalling needed for a new, high speed data packet access (HSDPA) common channel. Control bits for the HSDPA common channel are multiplexed with digital user data bits and digital control bits therefor on the DPCH. The control bits for the HSDPA common channel are thus carried by a dedicated channel. It will be realized that a common channel is a channel not dedicated to a specific user equipment whereas a dedicated channel is. Thus, the claimed digital control bits related to a HSDPA common channel are carried on a dedicated channel, i.e., a channel different from the HSDPA common channel. The purpose of this, as explained in the specification is to provide signalling information required in advance for the HSDPA common channel. For instance, as also explained in the specification, the HS-DSCH signalling might for example be a pointer for indicating the existence of another control channel, a pointer to a specific control channel from a group of control channels and/or an indication of the power level of the HS-DSCH versus the CPICH power level for QAM-demodulation.

The Willenegger et al. reference shows an HDR design for high-speed packet data that is shown being carried out in parallel with voice/data processing but the signalling for the HDR is not shown being carried by a dedicated channel. Willenegger et al. discusses in a very general way at column 10, lines 26-36 that the signalling could be done by a control channel (CCPCH) or in the transmission itself

or by some other mechanism but does not specifically discuss using a dedicated channel to carry HDR signalling.

The passages cited by the Examiner do not show this either. For instance, the Figure 3 partitions for the DPCH show both the packet data partition and its signalling in the same channel. The presently claimed invention claims that the control bits for the high speed downlink packet access common channel are multiplexed with the digital user data bits and the first digital control bits (related to the DPCCH) for transport on the DPCH.

The fact that the Willenegger et al. reference at column 5, lines 32-40 mention a downlink shared channel (DSCH) does not mean that the signalling is separated but only that a different frame format is defined for each type of physical channel.

Also, the passage cited at column 6, lines 54-60 refers to the fact that the payload for each slot can vary but it does not refer to such a feature with respect to HSDPA signalling which separated out from the shared channel and carried on a dedicated channel.

The control bits referred to at column 14, line 45 of Willenegger et al., are associated with the HDR and are carried along with the data and are not switched over to the shared channel to a dedicated channel.

The same may be said not only for independent claim 1 but also for the other independent claims which share its basic structure. Thus, the Willenegger et al. reference is inapplicable as 35 U.S.C. §102(e) reference against the independent claims of the present application and necessarily all of their dependent claims and withdrawal of the rejection thereof on that ground is requested.

Claims 4, 6, 12-14, 18, 20, 27 and 28 are rejected under 35 U.S.C. §103(a) as being unpatentably obvious over Willenegger et al.

It has been pointed out previously that Willenegger et al. is inapplicable as a 35 U.S.C. §102(e) reference against the independent claims from which the rejected claims 4, 6, 12-14, 18, 20, 27 and 28 depend. Therefore, for this reason, among others, the obviousness rejection of these claims which are founded on §102(e) as well in a 102(e)/103(a) rejection is also inapplicable and withdrawal thereof is requested at least for the same reasons as expressed above regarding the novelty rejection.

The objections and rejections of the Office Action of **March 17, 2005**, having been obviated by amendment or shown to be inapplicable, withdrawal thereof is requested and passage of claims **1-28** to issue is solicited.

Respectfully submitted,



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